

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Rodney Fuller on December 31, 2008.

IN THE CLAIMS:

Claim 15 has been cancelled.

Claim 17 has been amended to read: The method of claim [15] 31, further comprising the step of doubling the chromosome number of the first and/or the second plants prior to hybridization or doubling the chromosome number of the hybrid plants.

Claim 19 has been amended to read: The method of claim [15] 31, wherein the apomictic hybridized plant selected is euploid or aneuploid.

Claim 20 has been amended to read: The method of claim [15] 31, wherein the step of hybridizing the first plant and the second plant is accomplished by somatic cell hybridization.

Claim 21 has been amended to read: The method of claim [15] 31, wherein the first plant expresses a flowering response to various photoperiods that is different from that of the second plant.

Claim 24 has been amended to read: The method of claim [15] 31, wherein the first plant and/or the second plant are obtained by plant breeding.

Substance of the Interview

The Examiner spoke with Applicant's representative, Rodney Fuller, on December 31, 2008 regarding the above claim amendments to place the application in condition for allowance. Mr. Fuller agreed to the above claim amendments.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: During the telephonic interview conducted November 21, 2008, Applicant explained the differences between the combined cited references and the claimed invention. In general, the Ogburia et al reference discloses a descriptive study that involves a histological analysis by screening plants for apomixis and does not teach steps (a) and (b) of the claimed invention. Furthermore, this discrepancy is not remedied by the other cited references. Also, none of the cited references alone or in combination teach the limitation in step (b) of the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEITH O. ROBINSON whose telephone number is (571)272-2918. The examiner can normally be reached Monday – Friday, 7:30 a.m. - 4:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached at (571) 272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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Keith O. Robinson

/David H Kruse/
Primary Examiner, Art Unit 1638
15 January 2009